

Legal & Prevention

- A1. International Plan of Action to regulate discard and loss of derelict fishing gear
- A2. IMO assistance in addressing derelict fishing gear issue
- A3. Participation of regional fisheries organization in addressing derelict fishing gear problem
- A4. Development of public-private partnerships to assist implementation of compliance of international agreements and guidelines

Legal & Prevention: Recommendation A1

Title: International Plan of Action to regulate discard and loss of derelict fishing gear

Concern: Inadequate implementation of provisions for addressing derelict fishing gear in international agreements

Author(s): B. Stewart and H. Koehler

I. Description:

All States contributing to, affected by, or otherwise concerned about the impacts of marine pollution by derelict fishing gear on marine life and vessel safety, should motivate and fund FAO to establish a Task Force to accomplish, *inter alia*, the cooperative development of an IMO/FAO/RFO^a International Plan of Action (IPOA) to Control and Minimize Fishing Vessel Gear Loss. This IPOA should be similar to the ongoing joint development by FAO and IMO of an IPOA to Address Illegal, Unreported, and Unregulated Fishing Activities. This IPOA should include, *inter alia*:

- a. A call for IMO Member States, particularly from the Pacific Rim to: (i) conduct national “assessments” of their implementation of MARPOL 73/78 Annex V and the Guidelines for the Implementation of MARPOL 73/78 Annex V, particularly Chapter 3 and report the results to IMO’s MEPC^b; (ii) identify the impediments to implementation, to the IMO’s MEPC; and (iii) recommend solutions to IMO’s MEPC to address these impediments, such as amending the Guidelines and if deemed necessary making some aspects mandatory and also develop a mechanism for monitoring derelict fishing gear.
- b. A call for States to condition issuance of domestic and foreign fishing licenses on demonstrated applicant compliance with relevant aspects of MARPOL 73/78 Annex V and the Guidelines.
- c. A call for national governments and regional fisheries management organizations to urge all States that are Parties to MARPOL 73/78 as well as those that have expressed interest in becoming a party to MARPOL 73/78 and especially Annex V and its Guidelines, to be more vigilant in reporting involuntary net losses, in satisfaction of the Annex V Guidelines and appropriate national laws.

^a IMO = International Maritime Organization; FAO = United Nations Food and Agriculture Organization; RFO = Regional Fishery Organization

^b MEPC = Marine Environment Protection Committee of IMO

II. Methods/Steps for Implementing Action:

A. States vigorously bring issue to the attention of FAO

B. States identify and facilitate acquisition of necessary funding for FAO to accomplish the identified tasks

III. Type of Action:

Administrative, Regulatory and Economic

IV. Where should Action be Implemented (specify general geographic areas)?

All Areas and Habitats

V. Who Implements Action?

A. FAO

B. IMO

C. National Governments

VI. What is Cost of Action (Estimate)?

One Time (Start up)

\$500,000 to \$1,000,000

Annual O & M

Implementation varies by State

VII. Who Finances?

National governments through voluntary and discretionary contributions (e.g., from fishing license fees).

VIII. What are the Benefits (environmental or economic) from Implementation?

Both

IX. Identify the Resources (living or physical) Affected by Action:

Marine life and ocean-going vessels

Legal & Prevention: Recommendation A2

Title: IMO assistance in addressing derelict fishing gear issue

Concern: Sub-optimal action by IMO Member States in addressing derelict fishing gear issue

Author(s): B. Stewart and H. Koehler

I. Description:

IMO Member States should (a) bring to the attention of IMO's Marine Environment Protection Committee (MEPC) the extent of the problems associated with derelict fishing gear and the lack of compliance with MARPOL 73/78 Annex V and the Guidelines for the Implementation of Annex V of MARPOL 73/78 including the reporting provisions of Article 11^a and request that MEPC establish an agenda item regarding this provision; and (b) request IMO Member States (i) demonstrate a more proactive approach in addressing marine pollution from fishing vessels by attending international intergovernmental meetings to raise this issue as one of global concern, and (ii) disseminate MARPOL 73/78 Annex V and Guidelines more widely.

^aArticle 11(1)(a),(d),(e),(f) and 11(2)

II. Methods/Steps for Implementing Action:

IMO Member States take steps to proactively inform IMO's MEPC of the seriousness of the derelict fishing gear issue and highlight current mechanisms, particularly provisions of MARPOL 73/78, Annex V, and the Guidelines which are not being complied with. Member states actively seek appropriate input, information, and advice from IMO. NGOs consider mechanisms to assist in process.

III. Type of Action:

Administrative, Regulatory and Other: Reporting

IV. Where should Action be Implemented (specify general geographic areas)?

All areas and habitats

V. Who Implements Action?

IMO Member States and the fishing industry

VI. What is Cost of Action (Estimate)?

One Time (Start up)	Annual O & M
\$50,000 to \$100,000	\$10,000 to \$50,000

VII. Who Finances?

Voluntary and discretionary contributions by member governments (e.g., from fishing license fees).

Private-public partnerships. NGO and fishing industry support.

VIII. What are the Benefits (environmental or economic) from Implementation?

Substantive and procedural gains in implementing international legal instruments to address marine pollution by derelict fishing gear.

IX. Identify the Resources (living or physical) Affected by Action:

Both

Legal & Prevention: Recommendation A3

Title: Participation of regional fisheries organization in addressing derelict fishing gear problem

Concern: Ineffective use of regional fisheries organizations to address derelict fishing gear issues

Author(s): B. Stewart and H. Koehler

I. Description:

Regional and sub-regional fisheries management organizations and arrangements should explicitly incorporate into their mandate and binding conservation measures: (a) a prohibition on discarding fishing gear and related debris, and (b) a requirement to maximize to the greatest practicable extent recovery of any accidentally lost gear.

II. Methods/Steps for Implementing Action:

- A) Motivation of regional and sub-regional organizations to incorporate elements into their charters.
- B) Sua sponte incorporation of elements by the regional and sub-regional organizations

III. Type of Action:

Administrative and Regulatory

IV. Where should Action be Implemented (specify general geographic areas)?

Where the regional and sub-regional fishery organizations operations are housed.

Habitat Affected : All habitats

V. Who Implements Action?

Regional and sub-regional fishery organizations.

VI. What is Cost of Action (Estimate)?

One Time (Start up)	Annual O & M
\$100,000 to \$500,000	\$100,000 to \$500,000

VII. Who Finances?

Private and public donor institutions. NGOS

VIII. What are the Benefits (environmental or economic) from Implementation?

Facilitation of effective implementation of international legal instruments to prevent and mitigate loss and discard of fishing gear.

IX. Identify the Resources (living or physical) Affected by Action:

Marine life, Vessel safety, Physical habitat

Legal & Prevention: Recommendation A4

Title: Development of public-private partnerships to assist implementation of compliance of international agreements and guidelines

Concern: Inadequate support for States to implement agreement provisions

Author(s): B. Stewart and H. Koehler

I. Description:

Public-private partnerships should be developed with the assistance of various programs, including private and international donor institutions (e.g., the World Bank or the International Monetary Fund) to increase the capabilities of States, particularly developing states, to implement and comply with MARPOL 73/78, Annex V, and the Guidelines.

II. Methods/Steps for Implementing Action:

Development of proposals to potential donor institutions. Clarification of identity and capable infrastructure of various private and public institutions that can accept assistance to facilitate objectives. Implementation of strategic plan by selected organizations.

III. Type of Action:

Administrative, Economic and Educational

IV. Where should Action be Implemented (specify general geographic areas)?

Offices of donor institutions and public and private implementation facilities.

Habitat Affected : All habitats

V. Who Implements Action?

Donor institutions

Private and public implementation institutions

VI. What is Cost of Action (Estimate)?

One Time (Start up)	Annual O & M
\$100,000 to \$500,000	\$100,000 to \$500,000

VII. Who Finances?

Private and public donor institutions. NGOS.

VIII. What are the Benefits (environmental or economic) from Implementation?

Facilitation of effective implementation of international legal instruments to prevent and mitigate loss and discard of fishing gear.

IX. Identify the Resources (living or physical) Affected by Action:

Marine Life, Vessel safety, Physical habitat.